

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES of AMERICA,

Plaintiff,

Case No. 2:11-cr-20427

v.

HONORABLE STEPHEN J. MURPHY, III

D-2, SHERI ROSENBAUM,

Defendant.

**OPINION AND ORDER DENYING
DEFENDANT'S MOTION TO AMEND PRESENTENCE REPORT [150]**

Defendant Sheri Rosenbaum, an inmate at Alderson Federal Prison Camp in West Virginia, moves the Court to amend her presentence report. Rosenbaum seeks eligibility for the Federal Bureau of Prisons Residential Drug Abuse Treatment Program (RDAP) and argues that her presentence report does not include information about her history of drug and alcohol abuse. See 18 U.S.C. § 3621(e). She admits that she has repeatedly lied about her history of substance abuse to family members and apparently to the investigating Probation Officer who drafted her presentence report. See ECF 150, PgID 2371–74. To establish her history of substance abuse, Rosenbaum submits affidavits from family members, a psychiatrist who treated her for alcohol and drug abuse from January 2010 to December 2012, and a psychologist who led an intervention and treated Rosenbaum for drug and alcohol addiction in 2003. ECF 150, PgID 2387–92. The Government does not oppose the motion.

Under Federal Rule of Criminal Procedure 32(f), a defendant may file a written objection "[w]ithin 14 days after receiving the presentence report." Rosenbaum has not demonstrated a legal basis to order an amendment to her presentence report outside the

time period for objections. Additionally, the Court notes that the Bureau of Prisons has a policy that allows an RDAP screener to examine Rosenbaum's "collateral sources of documentation" to establish her history of drug and alcohol abuse. See Federal Bureau of Prisons Program Statement P5330.11 § 2.5.8(d); *see also* 28 C.F.R. § 550.53(d). The Court finds that the Bureau of Prisons is in the best position to examine Rosenbaum's documentation of drug and alcohol abuse. Accordingly, the Court will not order an amendment to Rosenbaum's presentence report.

ORDER

WHEREFORE, it is hereby **ORDERED** that Rosenbaum's Motion to Amend Presentence Report [150] is **DENIED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 16, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 16, 2017, by electronic and/or ordinary mail.

s/David P. Parker
Case Manager